

### **REMARKS**

This responds to the Office Action mailed on November 14, 2006.

Claims 1, 2, 4, 6, 7, and 14 are amended, claims 9-11 are canceled, and claim 15 is added; as a result, claims 1-8 and 12-15 are now pending in this application.

It will be noted, that amendments to claims are related to style and not to substance (e.g., the reference to “the steps of” is removed in claim 1). The new claim 15 corresponds substantially to claim 1. Therefore, the current amendments to claims do not necessitate a new search.

#### **§101 Rejection of the Claims**

Claims 9 and 11 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 9-11 have been cancelled. It is respectfully requested that the rejection be withdrawn.

#### **§112 Rejection of the Claims**

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness and for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 has been amended to address the rejection. It is submitted that claim 4, as amended, and its dependent claim 5 are not indefinite. It is respectfully requested that the rejection be withdrawn.

#### **Claim Objections**

Claims 9-11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim(s). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 9-11 have been cancelled. It is respectfully requested that the objection be withdrawn.

§102 Rejection of the Claims

Claims 1-3, 6-14 were rejected under 35 U.S.C. § 102(a) for anticipation by Oostveen et al. (IDS filed 04/13/2006, "Feature Extraction and a database Strategy for Video Fingerprinting," hereinafter "Oostveen").

Oostveen is directed at utilizing video fingerprinting techniques as a tool for video identification (Oostveen, Abstract). In Oostveen, a fingerprint block comprises 30 sub-fingerprints, each sub-fingerprint represented by a 32 bit word. In Oostveen, a look-up table (LUT) is created for all possible 32-bit words. An entry in LUT may point to a video clip and to one or more positions within that clip where this 32-bit word occurs as a sub-fingerprint. (Oostveen, page 125, second paragraph). Oostveen further discloses a two-stage search/match approach. Specifically, in the example given in Oostveen, the fingerprint value extracted from the last position in the fingerprint block matches an entry in LUT that points to the signature of clip 1. Next, the bit error rate is calculated between the entire fingerprint block and the portion of the signature of clip 1 from the position "p" of the matching sub-fingerprint to the position "p-29" of the signature of clip 1. (Oostveen, page 126, first and second paragraphs.) Thus, in both stages of the two-stage search/match process, the subject of comparison is associated with *the same fingerprint block*. In contrast, claim 1 recites **two distinct fingerprint blocks**: "a first fingerprint block" and "a further fingerprint block," where the further fingerprint block is selected "at a predetermined position relative to said first selected fingerprint block."

Thus, while the Office action correctly stated that Oostveen discloses that when the LUT in the database points only at certain position in clip 1, a bit error rate between the extracted fingerprint block and the block of clip 1 from position (p - 29) to position (p) is calculated, Oostveen fails to disclose or suggest **the further fingerprint block that is selected "at a predetermined position relative to said first selected fingerprint block"** and the operations of "selecting a further fingerprint block from said set of fingerprint blocks at a predetermined position relative to said first selected fingerprint block," "locating at least one corresponding fingerprint block in said database at the predetermined position relative to said found fingerprint block," and "determining if said located fingerprint block matches said selected further fingerprint block."

Furthermore, the operation of “locating at least one corresponding fingerprint block in said database” recited in claim 1 utilizes the same relative “predetermined position” that is utilized to determine “the further fingerprint block.” (Claim 1 recites “selecting a further fingerprint block from said set of fingerprint blocks at a **predetermined position** relative to said first selected fingerprint block” and “locating at least one corresponding fingerprint block in said database at **the predetermined position** relative to said found fingerprint block ... .”) This feature, which was not addressed in the Office action, is also not disclosed or suggested in Oostveen.

Because Oostveen fails to disclose or suggest each and every element of claim 1, claim 1 and its dependent claims are patentable and should be allowed.

Claim 12 recites “a first fingerprint block of said set of input fingerprint blocks” and “a further fingerprint block” selected “from said set of input blocks at a predetermined position relative to said first selected fingerprint block.” Thus, claim 12 and its dependent claims are patentable and should be allowed at least for the reasons articulated with respect to claim 1.

### **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or

legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14<sup>th</sup>, day of March 2007.

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